

## **Planning Commission Meeting May 16, 2000**

The San Bruno Planning Commission held its regular meeting on Tuesday, May 16, 2000, in the City Hall Council Chambers. Chair Birt called the meeting to order at 7:00 P.M. Roll call found C. Schindler, Marshall, Tobin, Petersen, Johnson, Sammut present. None absent. Staff present: George D. Foscardo, Community and Economic Development Director; Steve Padovan; Associate Planner; Grant Wilson, Associate Planner; Raffi Boloyan, Assistant Planner; Jonathan Lowell, City Attorney; Dan Voreyer, Fire Battalion Chief. C. Schindler led the assemblage in the Pledge of Allegiance.

### **1. Approval of Minutes - Meeting of April 4, 2000**

M/S Johnson, Schindler to approve minutes as submitted; all ayes.

### **2. Communications - None**

### **3. Public Comment Items Not on Agenda - None**

### **4. 3831 Colby Way - (Tape File 404-A)**

**Request for a Use Permit to allow the legalization of 567 square feet of living space on the ground floor of a single-family residence resulting in a Floor Area of 3,187 square feet (.61 Floor Area Ratio) where 2,881 square feet (.55 Floor Area Ratio) is allowed, per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance. (Applicant: Sukh Singh, 3831 Colby Way). Use Permit 99-30 (Public Hearing); Environmental Determination: Categorical Exemption; Zoning: Single-Family Residential (R-1)**

This item was originally heard by the Planning Commission at its January 2000 meeting where a public hearing was opened and closed and the application was denied without prejudice.

Mr. Boloyan entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided.

The public hearing opened. Mr. Singh was present to respond to questions.

C. Marshall said that the second unit should have been completely removed prior to plan submission.

C. Schindler noted that a site visit indicated that the garage is still unuseable for auto storage.

C. Johnson said that there are visible signs of current construction including exposed live electrical wires. Mr. Singh responded that the problem would be corrected within a week.

The public hearing was closed without objection.

C. Petersen noted that building construction is not always completed in a timely fashion and this is one of those cases.

C. Schindler supports a project denial until the illegal construction is remedied. Mr. Boloyan said that if the project is denied then the Building Division will ensure that the illegal construction is removed.

C. Johnson asked if the bathroom was legally constructed. That is under question and Mr. Boloyan indicated that it is up to Mr. Singh to prove that the bathroom was constructed with permits— no permits are on file in the Building Division.

M/S Marshall, Schindler that the Planning Commission deny the request based on the following findings of fact; passed by the following vote:

AYES: C. Birt, Sammut, Tobin, Marshall, Schindler, Johnson, Petersen

NOES: None

**Findings of Fact for Denial:**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, May 6, 2000, and notice mailed to property owners within 300 feet of the project site on May 4, 2000.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The Use Permit to allow the legalization of 567 square feet of living space on the ground floor of a single-family residence resulting in a floor area of 3,187 square feet (.61 FAR), where 2,881 square feet (.55 FAR) is allowed at 3831 Colby Way will be injurious and detrimental to properties and improvements in the neighborhood and to the general welfare of the City because the chronic history of the use of the ground floor as a second unit, the incompatibility with surrounding residential densities, and impacts to the on-street parking of Colby Way.
6. The general appearance of the residential addition is in keeping with the character of the neighborhood and will not be detrimental to the adjacent real property because the design and materials will match the existing structure, the style of architecture is similar to other homes in the neighborhood, and there are no changes that will be visible from the public right-of-way.
7. The proposed addition will not unreasonably restrict or interfere with light and air or hinder or discourage the appropriate development and use of land and buildings on this property and other properties in the neighborhood because the proposal is located within the building envelope of the existing structure.
8. The proposal is not consistent with the scale of the single-family neighborhood and will impair the value of the surrounding properties because of the chronic history of illegal second unit on the ground floor and the impact to the on-street parking supply on Colby Way.
9. The construction of the addition to the existing residence is not consistent with the San Bruno General Plan, which designates the property for low-density residential purposes, because the two units on the property are greater than the allowable density for this area.
10. The off-street parking will not be adequate for the residence because the existing garage is not used for the storage of two motor vehicles, there is limited on-street parking on Colby Way, and the increased parking demand created by the additional illegal residential unit on the property.

(C. Birt advised of the seven day appeal period).

**5. 140 Lake Drive (Tape File 404-A)**

**Request for a Conditional Use Permit to allow the construction of a two-story addition in the rear of an existing single-family home resulting in a gross floor area of 3,421 sq ft (.61 FAR), where 3,087 sq. ft. (.55 FAR) is allowed; per Section 12.200.030.B.2 of the San Bruno Zoning Ordinance - Chandra Das, applicant;/owner; Use Permit 00-08. Use Permit 00-08 (Public Hearing); Environmental Determination: Categorical Exemption; Zoning: Single Family Residential (R-1)**

Mr. Boloyan entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided.

The public hearing opened. Mr. Das, applicant and property owner, was present to respond to questions.

C. Schindler indicated that the garage needs to be cleared out for use storing vehicles. Mr. Das said that he is clearing space at his business location on San Mateo Avenue to use for storing the glass he has been keeping in his garage at home.

C. Schindler asked whether the addition was designed to accommodate the neighbor's commanding view. The view would be reduced by the addition but most would remain unobstructed.

The public hearing closed without objection.

C. Johnson noted the strange fireplace/flue configuration. Mr. Boloyan agreed that it is unusual but that it appears to be original construction and built to code but recommends bringing it up to current code.

C. Marshall asked if a window was needed in the garage. Mr. Boloyan replied that no additional window is required by code.

M/S Tobin, Schindler that the San Bruno Planning Commission approve Use Permit 00-08 pursuant to the following findings of fact and conditions passed by the following vote:

AYES: C. Sammut, Marshall, Tobin, Petersen, Johnson, Schindler, Birt  
NOES: None

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, May 6, 2000, and notice mailed to property owners within 300 feet of the project site on May 4, 2000
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301(e): Existing facility.

5. The addition to the rear of the existing house at 140 Lake Drive will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the addition is in keeping with the character of the existing residential structure and utilizes matching exterior materials.

6. The proposal will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the addition is designed in a scale and manner to blend with the existing home and surrounding neighborhood.

7. The proposal will not be inconsistent with the San Bruno General Plan because the proposed addition to the single-family residence matches the property's low-density residential land use designation.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 00-08 shall not be valid for any purpose. Use Permit 00-08 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The proposal to allow the construction of a two-story addition in the rear of an existing single-family home resulting in a gross floor area of 3,421 sq ft (.61 FAR), where 3,087 sq. ft. (.55 FAR) is allowed; shall be built according to plans approved by the Planning Commission on May 16, 2000 labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.

3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

Planning Division - (650) 616-7074

5. **Prior to building permit issuance**, the applicant shall remove all instances and components of a second kitchen on the premises. The applicant shall contact the Planning Department to schedule a site inspection in order to verify the compliance with this condition.

6. At the time of building permit plan submittal, the 1<sup>st</sup> Floor Plan of the submittal shall be revised to illustrate the removal of the existing door to the computer room and partition wall at the bottom of the stairway landing. These shall be removed prior to final building permit approval.

7. Prior to final building approval, the applicant shall contact the Planning and Building Department to schedule a final approval walk through to ensure compliance with these conditions.

8. **Prior to building permit issuance**, the applicant shall ensure that the two-car garage is free and clear of stored materials and debris and can accommodate the storage of two automobiles.

9. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

10. The residence and garage shall be used only as a single-family residential dwelling unit. **No** portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

11. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

Building Division - (650) 616-7076

12. Construction plans, when submitted for Building Permits, shall show new and affected foundations.

Fire Department - (650) 616-7096

13. Provide one 2A10BC minimum fire extinguisher during construction.

14. Provide hard wired smoke detector system with battery backup in each sleeping room, hallway leading to/from sleeping room, and on each level.

Public Works Department - (650) 616-7065

15. Storm water from the new addition roof downspout drainage shall be collected and drained to an underground storm water system or through a curb drain to the gutter.

16. The applicant shall install a clean out for the sewer lateral.

(C. Birt advised of the seven day appeal period).

**6. 260 Madison Avenue (Tape File 404-A)**

**Request for a conditional use permit to allow the construction of an addition which would have a floor area ratio of .59 where .55 is allowed; per Sections 12.200.030.B.2 and 12.200.050.B of the San Bruno Zoning Ordinance - Dan Evans and Marian Welch-Evans, owner-applicants; Mary Dunlap, designer; Use Permit 00-09 (Public Hearing); Environmental Determination: Categorical Exemption; Zoning: Single Family Residential (R-1)**

Mr. Wilson entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided. Mr. Wilson indicated that a letter from the neighbors at 250 Madison was presented for the Planning Commission to review. C. Petersen recommended continuing the item for approximately thirty minutes to allow the applicant to review the letter and have a discussion with the neighbor to see if some resolution could be made prior to Planning Commission discussion.

M/S Petersen, Tobin to continue the item for thirty minutes. Motion passed unanimously, 7-0.

Discussion of the item resumed prior to Agenda Item #9.

The public hearing opened with Dan Evans and Marian Welch-Evans present to respond to questions.

Mr. Evans said that all parties agreed during the break that the windows in the proposed sitting room could be moved to the east wall from the south wall and that should alleviate privacy concerns.

C. Marshall asked whether the skylight would provide any light to the second story. Mr. Evans said that, no, it was strictly for creating a light well to the kitchen.

Robert Gitsham, 250 Madison, complained that the stucco finish around the windows on the south side of the original addition was never completed. He sought assurance that all construction would be completed in a timely manner. C. Petersen noted that all residents of San Bruno have the same assurance about construction in their areas being completed promptly. If a project becomes a nuisance then it may be required to be heard by the Housing Appeals Board.

C. Tobin agreed that privacy could be an issue for this project but this addition is on the north side of the applicant's property whereas the neighbor with concerns is to the south.

C. Petersen asked the applicant about a proposed timeframe for construction. Mr. Evans responded that construction was anticipated to start this summer and finish this year.

The public hearing was closed without objection.

C. Tobin suggested including a condition of permit approval requiring that the existing windows with unfinished stucco be completed prior to issuing a building permit for any new construction.

M/S Petersen, Tobin that the San Bruno Planning Commission approve Use Permit 00-09 with the added conditions that the windows as shown on the sitting room be moved to the rear of the house and that the incomplete stucco on the existing windows be completed prior to issuing a building permit for the proposed addition. Discussion on the motion followed. C. Sammut said that the second additional condition creates an unnecessary burden on the applicant. C. Petersen said he did not think it was completely impractical but would amend his motion to say that the stucco on the existing windows be completed within six months of issuing the permit for new construction. C. Tobin, second on the original motion, agreed to the amendment. Motion passed pursuant to the following findings of fact and conditions by the following vote:

AYES: C. Sammut, Marshall, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, May 6, 2000, and notice mailed to property owners within 300 feet of the project site on May 4, 2000.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The request for a Use Permit to allow the construction of a 700 square foot, second-story addition to the existing single-family dwelling resulting in a floor area ratio of .59 where .55 is allowed at 260 Madison Avenue will not under the circumstances of the particular case, be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the addition will blend well with the existing home as well as those surrounding, there is adequate parking provided and the use is consistent with surrounding

residential uses.

6. The new addition will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the proposal is consistent with the size and scale of the surrounding neighborhood and the design, architecture, and materials will match the existing structure.

7. The proposal for an expanded single-family home is consistent with the San Bruno General Plan which designates the property for low-density residential purposes.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 00-09 shall not be valid for any purpose. Use Permit 00-09 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The request for a Use Permit to allow the construction of a 700 square foot, second-story addition to the rear of an existing single-family dwelling resulting in a floor area ratio of .59 where .55 is allowed at 260 Madison Avenue shall be built according to plans approved by the Planning Commission on May 16<sup>th</sup>, 2000, labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.

3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

5. The residence and garage shall be used only as a single-family residential dwelling unit. **No** portion of the residence or garage shall be rented out as a secondary residential dwelling unit.

6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for revocation of this permit.

7. Prior to final inspection, the windows, trim, roof material, and exterior finish and color on the addition and existing structure shall match.

8. The addition shall be painted to match the existing building

9. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.

10. Install a new sanitary sewer lateral clean out at the property line per City requirements.

11. Provide one 2-A: 10-BC minimum rated fire extinguisher on-site during all phases of construction.

12. Provide hard-wired smoke detection system with battery backup in all sleeping rooms, hallways leading from sleeping rooms, and on each level of the home.

13. The construction plans, when submitted for Building Division review, must show new and affected existing foundations with supporting calculations as necessary.

14. The stucco around the windows on the south side of the existing 1991 addition shall be completed and painted within six months of issuing the building permit for the new addition.

15. The windows originally proposed for the south side of the proposed sitting room shall instead be placed on the east side of the sitting room.

(C. Birt advised of the seven day appeal period.)

(Summary of Hearing mailed to applicant: May 26, 2000.)

## **7. 1280 Clark Avenue**

**Request for a Use Permit to allow the construction of a 1,407 square foot, two story addition to an existing nonconforming single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a floor area ratio of .59 where .55 is allowed; per Sections 12.200.030.B.1, 2 and 12.200.050.B of the San Bruno Zoning Ordinance - Mr. and Mrs. Hani Yaser, applicants and owners; Ken Ibarra, Architect; UP-00-11. (Public Hearing); Environmental Determination: Categorical Exemption; Zoning: Single Family Residential (R-1).**

C. Marshall recused himself from participating in discussion on this item.

Mr. Padovan entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided.

C. Tobin asked about the existing sewer cleanout which is set back substantially from the sidewalk. Mr. Padovan noted he was unsure about the use of that cleanout but that the Public Works Department requires installation of a new cleanout per City standard at the property line in the conditions of approval.

C. Johnson asked about the potential impacts on light to the neighbor's property to the north on Oak Avenue. Mr. Padovan pointed out that there currently is a fence and considerable vegetation between the two properties and that the proposed addition shouldn't have any significant additional impact.

The public hearing opened. Mrs. Yaser, applicant and property owner, was present to respond to questions. She indicated that she was amenable to the conditions listed in the staff report and that her garage is clear for storing vehicles.

The public hearing closed without objection.

M/S Petersen, Tobin that the San Bruno Planning Commission approve Use Permit 00-11 pursuant to the following findings of fact and conditions passed by the following vote:

AYES: C. Sammut, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None ABSTAIN: C. Marshall

## **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, May 6, 2000 and notice mailed to property owners within 300 feet of the project site on May 5, 2000.



2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Minor expansion to an existing facility.
5. The request for a Use Permit to allow the construction of a 1,407 square foot, two story addition to an existing nonconforming single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a floor area ratio of .59 where .55 is allowed at 1280 Clark Avenue will not be detrimental to the health, safety, morals, comfort and general welfare of the persons residing or working in the neighborhood of such proposed use because the addition will blend well with the existing home as well as those surrounding, there is adequate parking provided and the use is consistent with surrounding residential homes.
6. The new addition will not be injurious or detrimental to property and improvement in the neighborhood or to the general welfare of the city because the proposal is consistent with the size and scale of the surrounding neighborhood and the design, architecture, and materials will match the existing structure.
7. The proposal for an expanded single-family home is consistent with the San Bruno General Plan which designates the property for low-density residential purposes.

**CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 00-11 shall not be valid for any purpose. Use Permit 00-11 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The request for a Use Permit to allow the construction of a 1,407 square foot, two story addition to an existing nonconforming single-family dwelling resulting in a greater than 50% expansion to the existing gross floor area and a floor area ratio of .59 where .55 is allowed at 1280 Clark Avenue shall be built according to plans approved by the Planning Commission on May 16, 2000 labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.
3. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
4. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
5. The residence and garage shall be used only as a single-family residential dwelling unit. **No** portion of the residence or garage shall be rented out as a secondary residential dwelling unit.
6. The garage shall be used for the storage of motor vehicles and shall not be used as habitable living space as defined in the Uniform Building Code. Failure to conform to this condition is grounds for

revocation of this permit.

7. All drainage from the roof drains shall be directed to the City storm drain.
8. Prior to final inspection, the windows, trim, roof material, and exterior finish and color on the addition and existing structure shall match.
9. Eliminate the steps immediately outside the exterior door on Sheet A2.
10. Address numbers must be at least four (4) inches in height, of a contrasting color to the background, and must be lighted during the hours of darkness.
11. Install a new sanitary sewer clean out at the property line per City requirements.
12. Storm water from the roof downspouts shall be collected and drained to an underground storm water system or through a curb drain to the gutter.
13. Provide one 2-A:10-BC minimum rated fire extinguisher on-site during all phases of construction.
14. Provide hard wired smoke detector system with battery back-up in all sleeping rooms, hallways leading from sleeping rooms and on each level of the home.

(C. Birt advised of the seven day appeal period.)

**8. 476 San Mateo Avenue (Tape File 404-A)**

**Request for a conditional use permit and parking exception to allow a children's gym and fitness center resulting in a use which is considered conditional under the CBD Zoning District and has no parking spaces where eleven are required; per Sections 12.96.120.C.7 and 12.100.090 of the San Bruno Zoning Ordinance - Julie Bugler, applicant; Cheol H. Lee, property owner; UP-00-12, PE-00-03; Public Hearing; Environmental Determination: Categorical Exemption; Zoning: Central Business District (C-B-D).**

C. Marshall recused himself from participating in discussion on this item.

Mr. Wilson entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided.

C. Sammut sought clarification on what needs a parking exception downtown. Mr. Wilson explained that while there are some types of businesses that can open downtown without requesting a parking exception, many businesses interested in locating downtown do not fall into the general retail category, and thus must request Planning Commission review. Most of those requests come from restaurateurs.

The public hearing opened. Julie Bugler was present to respond to questions. She gave a synopsis of the business plan.

C. Birt asked about the number of children to be accommodated. Ms. Bugler said that there would be no more than thirty children at the facility at any given time. Sessions would last up to two and a half hours but children would not be enrolled for both morning and afternoon periods. C. Johnson indicated that

based on the description of the business a state pre-school license would be required and a waiver may be needed because of the lack of outdoor space.

Mr. Foscardo pointed out that additional bathroom space may be required as per building code.

C. Sammut asked if the applicant agrees to the conditions as outlined in the staff report. Ms. Bugler replied yes.

The public hearing closed without objection.

C. Petersen asked whether the Planning Commission could approve the project given the uncertainty of where the use falls in state regulations. Mr. Wilson responded that, yes, the Commission could take action now on the land use question but that any state regulations would take precedent if there turned out to be some sort of conflict.

C. Sammut asked if the rear door would be used for access to the parking lot. Ms. Bugler responded that the rear door was for emergency exit only and that a child door was designed for the front of the business to keep children from leaving unnoticed. Therefore, all comings and goings would occur from the San Mateo Avenue entrance.

M/S Petersen, Tobin that the San Bruno Planning Commission approve Use Permit 00-12 and Parking Exception 00-03 pursuant to the following findings of fact and conditions (with the additional condition that the business owner must comply with all applicable state regulations) passed by the following vote:

AYES: C. Sammut, Tobin, Petersen, Johnson, Schindler, Birt  
NOES: None ABSTAIN: C. Marshall

#### **FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, May 6, 2000, and notice mailed to property owners within 300 feet of the project site on May 4, 2000.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The project is Categorically Exempt per the California Environmental Quality Act (CEQA) Guidelines Class 1, Section 15301: Existing Facilities.
5. The Parking Exception (PE-00-03) to allow a shortage of eleven parking spaces for a game/recreation center will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the city because the use is compatible with existing uses in the area.
6. The Use Permit (UP-00-12) to allow a commercial recreation facility in the Central Business Zone at 476 San Mateo Avenue will not be injurious or detrimental to the property and improvement in the neighborhood or to the general welfare of the city because the proposed activity is compatible with

existing uses in the area.

7. If the conditions of approval are met, the general appearance of the property will be in keeping with the character of the central business district, and will not be detrimental to the orderly and harmonious development of the city, and will not impair the desirability of investment or occupation in the neighborhood because the proposed use is recognized as a conditional use in the CBD.

8. The proposed use is consistent with the general plan which calls for the area to be used for commercial purposes.

9. The public parking available in the lots behind the business should be adequate for the proposed use based on needs estimates derived from the applicant's support statement.

10. The location, size and intensity of the proposed operation will not create a hazardous or inconvenient vehicular or pedestrian traffic pattern.

11. The accessibility of the off-street parking areas and the relation of parking areas with respect to traffic on adjacent streets will not create a hazardous or inconvenient condition to adjacent or surrounding uses.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Use Permit 00-12 and Parking Exception 00-03 shall not be valid for any purpose. Use Permit 00-12 and Parking Exception 00-03 shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.

2. The business shall operate according to plans approved by the Planning Commission on May 16, 2000, labeled Exhibit "B," except as required to be modified by these Conditions of Approval. Any modification to the approved plans shall require prior approval by the Director of Planning and Building.

3. The applicant and any successor in interest shall agree to conduct business operations in the manner as described in this staff report and in the applicant's support statement. Any deviation or changes in business operations shall require prior authorization by the Director of Planning and Building. Failure to comply with these requirements may result in the City of San Bruno instituting revocation hearings.

4. The applicant shall obtain a City of San Bruno building permit before construction can proceed.

5. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.

6. The City of San Bruno shall reserve the right to review this parking exception and use permit one year from the date of Planning Commission approval for the purposes of determining if the use is having an adverse impact on the availability of parking in the area or creating other associated negative impacts. If parking, noise, or other issues are determined to be a problem, the Planning Commission may add additional conditions or restrictions to this permit or take other actions as determined to be appropriate, up to and including revocation of this parking exception permit and use permit.

7. The applicant shall comply with the requirements of the San Bruno Recycling Ordinance.

8. The applicant shall comply with crime prevention measures as required by the Police Department.
9. The hours of operation shall be between 9:00 a.m. and 2:30 p.m., Monday through Friday; from 11:00 a.m. to 5:00 p.m. on Saturday and Sunday.
10. The applicant shall provide sufficient trash container capacity to ensure that all trash and debris from the operation can be stored within the trash container and with a completely closed lid. No trash, garbage, debris, etc. shall be stored outside of the required trash container.
11. A Sign Permit application shall be submitted to the Planning Division for any new business identification signage.
12. Any exterior storefront building modifications shall be completed prior to occupancy and to the satisfaction of the Planning and Building Department.
13. This Use Permit (00-12) shall be for the sole purpose of operating a children's gym and recreational/art center.
14. Parents/guardians must sign children in and out of the proposed facility to insure that children are never unaccompanied.
15. One 2A-10BC minimum rated fire extinguisher shall be provided on the premises.
16. Plans must be reviewed by the Fire Department if a kiln is proposed for the arts/crafts room.
17. Due to an occupancy load of greater than fifty persons, exit signs and appropriate lighting are required for at least two exits from the building. Door latches per code are also required.
18. The applicant shall provide regular cleaning of debris and litter at the front and rear of the building.
19. The applicant/owner shall provide prompt cleaning/repainting of any graffiti on the building exterior.
20. On the front and rear of the building the applicant shall install address numbers at least 6" high, on a contrasting background, easily visible from the street and lighted during hours of darkness.
21. The inactive leaf on the front doors must have floor and ceiling extension bolts of at least 3/4" throw. The rear door should have a crossbar of some kind to prevent forcing of the rear door.
22. Lighting in the front and rear door setbacks shall be at least one foot-candle.
23. A 180-degree peep viewer shall be installed in the rear door.
24. Waste must be securely bound in plastic garbage bags before disposal.
25. Confirm accessibility requirements for the bathroom with the San Bruno Building Department.
26. The business owner/operator must comply with all applicable state regulations.

(C. Birt advised of the seven day appeal period.)

**9. 975 Sneath Lane (Tape 404-B)**

**Request for a Planned Development Permit and Architectural Review Permit to allow the construction of a 10,987 square foot multi-purpose building with 34 parking spaces and associated landscaping and site improvements on a 1.2 acre vacant parcel in the Planned Development Zone District; per Chapter 12.108 and Sections 12.96.190 of the San Bruno Zoning Ordinance - Blaine Lemmon, architect/applicant; Church of Jesus Christ of Latter Day Saints, owners; Planned Development Permit 00-01; Architectural Review 00-05; Public Hearing; Environmental Determination: Negative Declaration; Zoning: Planned Development (P-D).**

Mr. Padovan entered staff report dated May 16, 2000, into the record. A digital photo presentation was provided.

C. Tobin asked if there might be any endangered species at the site. Mr. Padovan responded that none were indicated in the Redevelopment Area Environmental Impact Report.

The public hearing was opened. Blaine Lemmon, architect, and Mark Vranes of the Church were present to respond to questions.

C. Johnson inquired as to whether the Family History Research Center is affiliated with the Church or if they are merely leasing space. Mr. Lemmon responded that the Family History Center is Church-affiliated but is open to the public for genealogical research.

C. Petersen commented that in the event the property is sold a different type of use at the site may burden the parking situation. C. Marshall suggested adding a condition of approval that the permit be reviewed if the property is sold.

M/S Marshall, Johnson that the San Bruno Planning Commission approve Planned Development Permit 00-01 and Architectural Review Permit 00-05 and certify the Negative Declaration of Environmental Impact pursuant to the following findings of fact and conditions (with the additional condition that the permit be reviewed in the event of a change in ownership) passed by the following vote:

AYES: C. Marshall, Sammut, Tobin, Petersen, Johnson, Schindler, Birt  
NOES: None

**FINDINGS FOR APPROVAL**

1. Proper notice of the public hearing was given by legal notice published in the San Bruno Herald, Saturday, April 25, 2000, and notice mailed to property owners within 300 feet of the project site on April 24, 2000.
2. Noticing of the public hearing, conduct of said hearing, and an opportunity for all parties to present testimony was completed in accordance with the San Bruno Municipal Code, Article III, Zoning, Chapter 12.132.
3. The applicant has been notified, both verbally and in writing herein, of the City's provision for an administrative appeal of the Planning Commission's final action to the City Council as provided for in the San Bruno Municipal Code, Article III, Chapter 12.140.
4. The Planned Development Permit and Architectural Review Permit to allow the construction of a 10,987 square foot multi-purpose building with 34 parking spaces and associated landscaping and site

improvements on a 1.2 acre vacant parcel in the Planned Development Zone District at 975 Sneath Lane will not be injurious or detrimental to the property and improvements in the neighborhood or to the general welfare of the city because the use is compatible with existing uses in the area and there is adequate parking and circulation.

5. If the following conditions of approval are adhered to, the Planned Development Permit and Architectural Review Permit will not unreasonably restrict or interfere with light and air on the subject property and/or other properties in the surrounding area, will not hinder or discourage the appropriate development and use of land and buildings in the area, or impair the value thereof, and is consistent with the design and scale of the commercial area. The general appearance of the multi-purpose hall is in keeping with the character of the surrounding commercial and institutional uses and will not be detrimental to the adjacent real property because lighting and noise impacts are minimal, landscaping is improved and the size and scale of the building are similar to other buildings in the area.
6. The proposed use will not affect or damage natural resources or features. The facility is located in an urban environment within a predominantly developed commercial zone.
7. The proposed use is consistent with the general plan which allows for regional uses in this commercial zone and there are similar uses in the property's vicinity.
8. The Conditions of Approval imposed on this request should adequately regulate and mitigate potential negative impacts that might be associated with this type of use.
9. A Negative Declaration was prepared for the project in accordance with the provisions of CEQA, as amended. It was determined that no significant impacts would result from the proposal.
10. This project is in conformance with the San Bruno Redevelopment Project Area Plan, dated July 1999.

#### **CONDITIONS FOR APPROVAL**

1. The applicant shall file a declaration of acceptance of the following conditions by submitting a signed copy of the "Summary of Hearing" to the Department of Planning and Building within 30 days of Planning Commission approval. Until such time as the Summary is filed, Planned Development Permit 00-01 and Architectural Review Permit 00-05 shall not be valid for any purpose. The Planned Development Permit and Architectural Review Permit shall expire one (1) year from the date of Planning Commission approval unless a building permit has been secured prior to the one (1) year date.
2. The applicant shall obtain a City of San Bruno building permit before construction can proceed.
3. Prior to Final Inspection, all pertinent conditions of approval and all improvements shall be completed to the satisfaction of the City of San Bruno.
4. The proposed Planned Development Permit and Architectural Review Permit to allow the construction of a 10,987 square foot multi-purpose building with 34 parking spaces and associated landscaping and site improvements on a 1.2 acre vacant parcel in the Planned Development Zone District at 975 Sneath Lane shall be built according to the plans, staff report and other materials approved by the Planning Commission on May 16, 2000 labeled Exhibit "B", except as required to be modified by these conditions of approval. Any modification to the approved plans and colors shall require prior review and approval by the Architectural Review Committee.
5. All lighting fixtures in the parking lot shall direct light downward and shall be equipped with shades to focus lighting onto the parking area, not onto adjacent properties. Accent uplighting is permitted on

the building.

6. A landscape plan shall be provided for review and approval by the Planning Division prior to issuance of permits. All landscaping shall be automatically sprinklered, maintained and kept litter free.
7. The applicant shall enter into a Maintenance of Landscaping Agreement with the City prior to occupancy of the expansion. Failure to maintain this agreement shall result in calendaring this project for revocation of the permit.
8. The following changes are required on the site plan prior to submittal for building permits:
  - S A sidewalk shall be installed along the east side of the building down to Commodore Drive to provide pedestrian access to future redevelopment of the Navy Site;
  - S The parking spaces and planter strip at the northeast corner of the lot shall be extended to match up with the existing improvements on the adjacent office property;
  - S The existing satellite dish shall be screened with tall shrubs;
  - S The dumpster shall be covered to comply with San Mateo County storm water requirements
9. The building materials and colors shall match the color board and palette as presented to the Planning Commission at the May 16, 2000 meeting.
10. Signage shall be limited to the following:
  - S One wall sign on the north elevation;
  - S One wall sign attached to the south side of the trash enclosure;
  - S Directional and informational signs under four square feet may be placed in the parking area or on the building
11. Provide calculations and documentation on the occupancy load. Type V-1 hour construction allows for occupancy loads of under 1000.
12. All project contractors shall be aware of and comply with all Storm Water Pollution Prevention Program measures. Failure to comply with the approved Best Management Practices (BMP'S) for construction at this site will result in the issuance of correction notices, citations and/or a project stop work order.
13. Construction noise and operations shall comply with existing San Bruno Ordinances. Mass grading activities shall be limited to Monday through Friday from 7:00 a.m. to 6:00 p.m.
14. The architect/engineer shall implement design options allowing for the filtration of storm water from the building roof and the parking lots into the landscape planter areas prior to discharge into the City's storm drain system. Potential design changes include landscape swales, wheel stops or notched curbs instead of solid six inch concrete curbs, landscape beds that are below the level of the parking lots to allow surface runoff and porous paving materials. These design changes are required to reduce contaminant flows into the Bay.
15. The two properties owned by the Church of Jesus Christ of Latter Day Saints shall be merged to form one parcel or reciprocal access and parking easements shall be provided across both properties.
16. The applicant shall comply with the following Public Works Department conditions of approval and "Commercial Building Permit Application Requirements":



- a. Submit a current title report. The site plan shall show all easements on the property. No structure or building shall encroach onto any existing easement.
- b. Provide a Soils Report. A Soils Engineer must perform compaction tests and submit a final soils report to the City before acceptance of the grading permit.
- c. Show building and parking lot drainage. All roof drainage shall be diverted into the landscape areas to allow filtration and absorption of run-off. Parking lot drainage shall be filtered before draining to the City storm drain system.
- d. Submit hydraulic calculations for domestic, fire and irrigation systems.
5. Submit utility plan showing location and profile for all utilities and details of connection to the City main. Install an adequately sized sewer lateral.
6. Provide easements for all utility lines that cross the adjacent property. (The sewer line that runs through this property may not be City owned. Verify with the owner of the Navy site.)
7. A site grading plan and grading permit shall be required.
8. Pay all applicable water and sewer connection fees.
9. Pay the traffic mitigation fee. Engineer shall provide additional traffic count (ADT) which will be generated by the new building. The traffic mitigation fee will be based on the new traffic generated.
10. Submit a Storm Water Pollution Prevention Plan to the City.
11. Improvements to Commodore Drive will require review and approval from the current owner of this street, yet shall meet the City standards for eventual City's acceptance of the street into the City ownership.
12. An access easement must be established on the passageway between the existing parking lot and the new parking lot and Sneath Lane unless the two properties are merged.
- h. Comply with the following application requirements:

#### COMMERCIAL BUILDING PERMIT APPLICATION REQUIREMENTS FOR PUBLIC WORKS RELATED ITEMS

The following items are to be shown on the plans or in the specifications.

##### Domestic and Irrigation Water Services

1. Maximum and Minimum flows in fixture units and g.p.m. for each meter. Minimum flow is typically defined as lowest demand fixture operating alone for domestic. For irrigation, minimum flows must take into account drip systems.
2. Size and location of each meter.
3. \*Size and location of service line.
4. Location and details of backflow device. Backflow devices will be required for all non-residential applications. In the case of remodels, a backflow device will be required when any plumbing work is planned.

Fire Sprinkler Supply Line

1. Location and details of backflow device.
2. \*Size and location of tap.
3. Material specifications and construction details for entire system up to building line.

Wastewater Service

1. Location and size of City Cleanout. Show City Cleanout details.
2. \*Plan and profile of lateral from City Cleanout to main.
3. \*Details of connection to main.

Street improvements within the Public Right-of-Way

1. Show location and details for all new work within the right-of-way. Degree of details required will vary depending on the complexity of the project.

Soil Grading and Drainage

1. A soil report shall be submitted with grading and site drainage drawings for plan check.
2. Cut/fill are required to be indicated on the drawings.
3. A permit for site grading will be required to be obtained from Public Works Department.
4. A curb drain for diverting site run-off to the street is required.

Site Plot Plan

1. Submit a drawing indicating property line, any recorded easement, and legal description of the site.

The items listed above are a minimum requirements, only. Additional requirements may be imposed on a case by case basis.

All of the above work items require a City of San Bruno Encroachment Permit. Encroachment Permit applications can be obtained at the Public Works Department adjacent to the Building and Planning Department. Encroachment Permits must be issued prior to issuance of related Building Permits. Construction run-offs during August through April shall be managed utilizing guidelines delineated in "California Storm Water Best Management Practice Handbooks."

\* These items will not need to be shown if they are existing and will not be altered.

17. The applicant shall comply with the following Fire Department conditions of approval:
  - a. All sprinkler systems to meet the requirements of NFPA #13 (1997). San Bruno Fire Department requires that all bathrooms, closets and pantries be fire sprinkled. Submit fire sprinkler plans to San Bruno Fire Department for approval.
  - b. Provide a hood and duct system if needed for cooking area.
  - c. Provide new fire alarm system per NFPA 72. Fire alarm system must meet all handicap requirements, as per Title 24.
  - d. All exit signs to be illuminated and connected to a back-up system that is battery powered.
18. The applicant shall comply with the following Police Department conditions of approval:
  - a. Address numbers, at least 8" in height, shall be mounted on a contrasting background, easily visible from the street and lighted during the hours of darkness.

- b. Any door glass or windows in or adjacent to the exterior doors and within reach (40") of the door locking device are to have burglary resistant glazing or be equivalently resistant.
  - c. The applicant should consider installing an off-site monitored burglary and robbery alarm system.
  - d. Ample lighting is to be provided in the open parking area and around the exterior of the building during the hours of darkness and is to be at least 1 foot candle minimum maintained.
  - e. Handicap stalls are required per ADA. The painting and sign posting for the handicap parking stall must comply with standards set forth in California Vehicle Code section 22511.8. The parking lot must also be posted in compliance with California Vehicle Code section 22658(a) to allow the removal of illegally parked vehicles.
19. This permit shall be reviewed by the Planning Commission in the event of a change in property ownership.

(C. Birt advised of the seven day appeal period.)

#### **10. Planning Commission Discussion (Tape File 404-B)**

Request by the City Council for the Planning Commission to review the Planning Division fee schedule. Mr. Foscardo presented the proposed fee schedule and noted that the new fees are approximately double most of the existing fees. C. Marshall introduced a motion to waive the first reading and adopt a resolution recommending that the City Council adopt revisions to the Master Fee Schedule. Motion passed unanimously by the following roll call vote:

AYES: C. Marshall, Sammut, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None

#### **11. Vacation of Portion of Street Right-of-Way along the West Side of Hensley Avenue at Sylvan**

Request to adopt a resolution establishing consistency with the General Plan for the abandonment of a portion of ROW. Mr. Lowell presented the request to the Planning Commission. C. Sammut introduced a motion to waive the first reading and adopt a resolution to abandon the City Right-of-Way along the west side of Hensley Avenue at Sylvan Avenue. Motion passed unanimously by the following roll call vote:

AYES: C. Marshall, Sammut, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None

#### **12. Specific Plan Study Session - Public Comment (Tape File 404-B)**

**Environmental Determination: Environmental Impact Report Zoning: Administrative Research (A-R) Neighborhood Commercial (C-N) High Density Residential (R-4) Open Space (O)**

Mr. Padovan summarized the events at the previous Citizen's Advisory Committee (CAC) hearing on May 4, 2000. The CAC voted in favor of the higher intensity development which requires voter approval, including a six story hotel, five story office buildings and four to six story residential buildings. They also

voted to allow a parking structure for joint use by the office and hotel uses. The next meeting is June 1st.

### **13. City Staff Discussion**

Mr. Padovan introduced a recommendation of the Specific Plan Citizen's Advisory Committee that the Planning Commission appoint Dr. Harold Ivie and Al Watson to the Committee to replace members who have resigned. C. Birt and C. Marshall pointed out that the Committee already has representation from the areas that the proposed new members would represent. Appointing the proposed new members would skew the Committee toward the interests of those segments with more than one representative. C. Marshall said he feels that all areas of the City are represented adequately on the Committee and that the CAC remain at 10 members.

M/S Schindler, Sammut that the Committee not add new members passed by the following vote:

AYES: C. Marshall, Sammut, Tobin, Petersen, Johnson, Schindler, Birt

NOES: None

The Architectural Review Committee will meet Thursday, June 15, 2000 with C. Petersen, Tobin, and Birt.

### **14. Planning Commission Discussion**

C. Marshall inquired about regulations regarding small wall-mounted satellite dishes. Mr. Lowell indicated that staff can review existing regulations but believes that federal regulations would preempt any City action on their placement.

### **15. Adjournment**

The meeting adjourned at 10:00 P.M. by motion made and passed unanimously.

Respectfully submitted,

George D. Foscardo  
Planning Commission Secretary